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WAGANAKISING ODAWAK STATUTE 2019 ____
ODAWA CONSTRUCTION CORPORATION

SECTION I. PURPOSE AND TITLE

A. Purpose. The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers of self-government over its Citizens and territory. In accordance with Article VII (D) (4), the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter of incorporation for economic purpose, to provide for the management of the non-gaming, economic affairs and to delegate such management to a Tribally chartered corporation in accordance with Article VII (D) (24) and regulate such tribally chartered corporation activities in accordance with Article VII (D) (4).

B. Short Title. This Statute shall be known and cited as the “Odawa Construction Corporation Statute.”

SECTION II. DEFINITIONS

A. “*Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians*” means “*areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.*” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

B. “*Tribe*” or “*LTBB*” means the Little Traverse Bay Bands of Odawa Indians.

C. “*Tribal Constitution*” means the Little Traverse Bay Bands of Odawa Indians Constitution as adopted by its membership on February 1, 2005.

1 **D.** “*Tribal Council*” means the elected body of nine (9) Tribal members of Little Traverse
2 Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII. “Tribal
3 Council”.

4 **SECTION III. CREATION OF THE ODAWA CONSTRUCTION CORPORATE**
5 **CHARTER**
6

7 A tribally chartered corporation is authorized by this Statute and shall be named the “Odawa
8 Construction, Inc.” The organization is recognized by the approval of the tribal corporation
9 charter; “Odawa Construction, Inc.” by Tribal Council.
10

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12 **SECTION IV. SCOPE OF ACTIVITIES**
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14 **A.** The Odawa Construction, Inc. is created as a tribally chartered corporation that promotes
15 economic self-sufficiency and creates jobs through construction of tribally owned projects or
16 local projects within the community.
17

18 **B.** The Odawa Construction, Inc. is authorized to create operating subsidiaries in accordance
19 with tribal law.
20

21 **C.** The Corporation will provide Tribal Council an annual report and audited financial
22 statements.
23

24 **D.** The Corporation will submit an annual development plan to the Tribal Council for
25 approval.
26

27
28 **SECTION V. MANAGEMENT, STRUCTURE AND FUNCTION**
29

30 **A.** The Odawa Construction, Inc. shall have sole authority and responsibility for managing
31 the Odawa Construction, Inc. and related construction projects, in accordance with the policies,
32 Statutes, Resolutions, regulations as approved by Tribal Council.
33

1 **B.** The Odawa Construction, Inc. shall abide by all tribal and federal laws and regulations as
2 may be applicable.

3
4 **C.** It is the duty of the Odawa Construction, Inc. to protect assets of the Tribe and generate
5 revenues and jobs.

6
7 **D.** The Odawa Construction, Inc. reports to and passes revenue to the Odawa Economic
8 Affairs Holding Corporation.

9
10 **E.** The management of the corporation shall be conducted by 3 to 7 at will employees titled
11 Business Policy Managers.

12
13 a. The majority of the Business Policy Managers must be Tribal Citizens.

14 b. Business Policy Managers shall be selected by the Odawa Economic Affairs
15 Holding Corporation.

16 c. These Business Policy Managers may when deemed necessary recruit up to two
17 of the seven persons with special skills needed and they will serve as long as
18 needed by their selectors.
19

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21 **SECTION VI. REPORTING TO TRIBAL COUNCIL**

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23 In order to regulate, the Odawa Construction, Inc. shall provide to Tribal Council a monthly
24 report for the Corporation and all subsidiaries; and shall report quarterly at the regularly
25 scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council,
26 or as requested the following:

27
28 **A.** Annual operating plan;

29
30 **B.** Financial performance measures;

31
32 **C.** Audits, whether internal or external;

33
34 **D.** Financial records or statements;
35

1 E. Tribal Council may request reports regarding all aspects of the Odawa Construction, Inc.;

2
3 F. Monthly profit and loss statement of all non-gaming enterprises, joint ventures and
4 investments.

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7 **SECTION VII. FINANCING OF THE ODAWA CONSTRUCTION, INC. AND**
8 **ACTIVITIES**

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10 A. The annual budget for the Odawa Construction, Inc. shall be approved by Tribal Council
11 in accordance with an approval process as designated by the Tribal Council.

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13 B. Tribal Council approval is required for borrowing of funds. The Odawa Construction,
14 Inc. is not authorized to enter into financing approval without prior ratification by the Tribal
15 Council.

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18 **SECTION VIII. SAVING CLAUSE**

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20 In the event that any phrase, provision, part, paragraph, subsection or section of this
21 statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances
22 or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part,
23 paragraph, subsection or section shall be considered to stand alone and to be deleted from this
24 statute, the entirety of the balance of the statute to remain in full and binding force and effect.

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27 **SECTION IX. EFFECTIVE DATE**

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29 Effective upon signature of the Executive or thirty (30) days from Tribal Council approval
30 whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council
31 override of the veto.

32
33 **CERTIFICATION**